

Danner, Ward

From: Jennifer DENICOLA <jd18@me.com>
Sent: Friday, December 20, 2013 9:48 AM
To: hughbkaufman@comcast.net
Cc: ken miller; cassandra wiseman; cami; stephanie smith; Cindy Vador; bohemianturtle; Brigitte Leonard; Ingrid Peterson; Hope Edelman; joy horowitz; Jeff Ruch; paula dinerstein; Christina Pascucci; melissa@malibutimes.com; dave@smdp.com; NiColle Holland; Katy Lapajne; julietobias@mac.com; Paul Rosenfeld; Armann, Steve; Wilson, Patrick
Subject: Re: IMPORTANT: Malibu Schools' PCB Testing & Remediation begins Tomorrow...

Great letter Hugh. Let me know if you get a reply.

If anyone else wants to write one and run it by me, let me know. Or I can write it and you can send it. The more the EPA hears from different people about our concern that Mark Katchen does not follow directions the more they will not trust them and have more oversight.

Sent from my iPhone

On Dec 20, 2013, at 9:04 AM, hughbkaufman@comcast.net wrote:

According to Steve Armann and Patrick Wilson, in the Malibu Times, the school is safe because some schools in NY have higher levels of PCBs in caulk.

They further told the Malibu Times that there are/were no PCBs in the soil from the caulk.

So. where did the PCBs in the soil come from?

What are the levels of Chlordane, DDT, DDE, arsenic, cadmium, lead, benzene, etc. on the school campuses,
that documents that the schools are safe?

I am not saying the school isn't safe, I just haven't seen the evidence that it is safe.

All the evidence, I have seen to date, points in the other direction.

In short, the burden of proof has shifted. The burden is now with the school district to prove safety.

http://www.malibutimes.com/news/article_91e77954-67b2-11e3-a6d3-0019bb2963f4.html

From: "Jennifer deNicola" <jd18@me.com>
To: "Hugh Kaufman" <hughbkaufman@comcast.net>
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Sent: Friday, December 20, 2013 11:51:35 AM

Subject: Re: IMPORTANT: Malibu Schools' PCB Testing & Remediation begins Tomorrow...

Hi all:

I have already emailed Patrick and Steve asking for PCB air testing requirements to be sent to the task force. I have not heard from them yet. We need some more emails to them.

Would one or two of you email steve armann or call him and ask for a written statement of protocols for testing, remediation and worker protection. This information should not be a verbal direction given to the district or Mark Katchen (because we all know there is some twisting of facts).

Steve Armann maybe on vacation, so if you cannot reach him, copy Patrick Wilson or Kathy

armann.steve@epa.gov and wilson.patrick@epa.gov

Let them know that getting this information is urgent since testing and cleaning starts tomorrow.

Thank you,
jen

On Dec 20, 2013, at 8:35 AM, hughbkaufman@comcast.net wrote:

The School Superintendent, **Sandra Lyon**, said this morning that EPA Region 9 PCBs Coordinator, Steve Armann, has approved the Malibu Schools' testing protocols, remediation, worker protection, etc. that will be used beginning tomorrow.

Per Superintendent Lyons request: please call Mr. Steve Armman, EPA Region 9 PCB Coordinator at 415-972-3352.

-- Please consider asking him if this is true, and asking him for a copy of the protocols for testing, remediation, & worker protection, that Ms. Lyons has said he has approved, and will be followed? Also, please consider asking Mr. Armanns how he will assure compliance with those protocols, which he has approved.--

[FYI-Superintendent Lyons statements are not consistent with the information I have received from other Malibu school and Environmental Task Force sources.]

Here's Superintendent Lyons letter announcing the testing, cleaning, & worker protection, beginning tomorrow:

"December 20, 2013

To: All Malibu Middle/High and Juan Cabrillo Elementary School Staff Members and Parents:

At last week's Board Study Session, there were teachers and parents who expressed a firm desire that instruction be returned to the original classrooms at Malibu High School as soon as possible. They are asking the District to take immediate action to clean dust from those rooms so that teachers and students can confidently return after the break.

We want to honor all teachers' desires to maximize learning time and minimize disruptions to instruction, and in order to return teachers to their classrooms as soon as possible, these steps will be undertaken over Winter Break.

Pre-Testing

Before the rooms are cleaned using the Environmental Protection Agency's (EPA) recommended best management practices, we will gather air samples from the rooms in the Blue Building that had not been previously sampled. These are rooms 3, 4, 6, 7, 10, 14 and 16. Additionally, we will gather air samples from the gym office adjacent to the girls' locker room, music rooms 302 and 303 and the storage closet adjacent to room 1. This pre-testing air sampling will take place beginning December 21 through December 22, 2013. This testing will give the District the ability to confirm that the best management practices cleaning is effective in reducing PCB concentrations in air and will create a record of current conditions in the event any questions arise after the cleaning. EPA is not requesting this testing; the District is undertaking the work to provide further assurances to the community as we return teachers and students to the previously vacated classrooms.

Rooms Cleaned using Best Management Practices

The District has discussed our cleaning plan with the EPA, Region 9 office, and will utilize the EPA's recommended best management to clean the vacated Blue Building, Library, gym office adjacent to the girls' locker room, and the three music rooms over the winter break. The cleaning will be conducted beginning December 23, 2013 and conclude by January 5, 2014. Although not required, our cleaning plan was discussed with, and approved by, the EPA, Region 9 office.

Post-Cleaning Air and Wipe Sampling

Post-cleaning air and wipe sampling will be conducted in the five areas that had caulk and/or wipe samples that exceeded the regulatory standards. This testing will take place approximately January 3, 2014, through January 5, 2014. The testing protocols and the results will be reviewed/approved by the EPA, Region 9. The District is working directly with Steve Armann, EPA Manager, who was present at the Board Study Session last week. Mr. Armann will personally oversee the review and approval of our testing and cleaning protocols, as well as the verification sampling results. Any questions on our testing can be addressed directly with Mr. Armann, who can be reached at (415) 972-3352. Consistent with the pre-testing work described above, we also intend to take post-cleaning air samples in those same rooms, which will also be concluded by January 5, 2014.

Return to Classrooms

Teachers may return to their classrooms as soon as the cleaning is completed. However, the timing of when teachers choose to return to their classrooms will be left to the teacher, as we do not want to unnecessarily further disrupt instruction. I will trust and rely on our teachers' judgment on working out that schedule.

Custodial/Maintenance Staff Training

We are working with our union leadership to create and deliver the necessary custodial/maintenance staff training for EPA best management practices for cleaning and maintenance. This will be done as soon as we can schedule it. I want to thank our employee leadership teams for their cooperation on this matter; they have been great. While the EPA has assured me that the rooms are safe to occupy, I believe the cleaning will give staff and students the assurances they need. The collection of post-cleaning testing data is being expedited, and, as noted, will be reviewed and approved by the EPA.

The District seeks to hire an environmental engineering firm to oversee more air and soils testing at our Malibu schools, including Juan Cabrillo Elementary School, to help gather the necessary information to assure our staff, students and community that our schools are safe. They will also assist us in developing the appropriate plan for any further district assessments. We issued a Request for Qualifications (RFQ) last week with a deadline to receive responses by Friday, Dec. 20th. For your information I attach a copy of the RFQ (link). The responses received by the December 20th deadline will be posted on the District's website. The engineering firm will develop investigation plans under the oversight of, and in collaboration with, the EPA and the California Department of Toxic Substances Control. In January, 2014, the screening and interview process will begin of the environmental engineering firms to determine who shall receive the assignment. We have asked Task Force members John Sibert and Lisa Lambert to serve on the interview panel and they have agreed. I will provide interview information to the full school community.

Please let me know if you have any questions.

Sincerely,

Sandra Lyon Superintendent

From: hughbkaufman@comcast.net

To: "ken miller" <kmiller@gormanmiller.com>

Cc: "cassandra wiseman" <topangafairy@gmail.com>, "cami" <[cami@sobini.com](mailto:camisobini.com)>, "stephanie smith" <milagrosfilms@gmail.com>, "Cindy Vandor" <cindyvandor@gmail.com>, "bohemianturtle" <bohemianturtle@hotmail.com>, "Brigette Leonard" <bridgetteleonard@gmail.com>, "Ingrid Peterson" <2ingmail@verizon.net>, "Hope Edelman" <hopedel@hotmail.com>, "joy horowitz" <joy.horowitz53@gmail.com>, "Jeff Ruch" <jruch@peer.org>, "paula dinerstein" <pdinerstein@peer.org>, "Christina Pascucci" <christinapascucci@icloud.com>, melissa@malibutimes.com, dave@smdp.com, "Jennifer DENICOLA" <jd18@me.com>, "NiColle Holland" <nraber@aol.com>, "Katy Lapajne" <lrsnsmm@yahoo.com>, julietobias@mac.com, "Paul Rosenfeld" <prosenfeld@swape.com>

Sent: Friday, December 20, 2013 9:27:47 AM

Subject: New Malibu Schools' PCB Testing Next Week...

Hey Ken,

Will you folks and **Dr. Paul Rosenfeld** continue to be involved in working with, and monitoring, the Malibu School District's **next round of environmental testing, beginning next week?**

Or, are your folks out of the case now?

Apparently, the Malibu School District has added **Mark Elliot**, a partner in the **Pillsbury** civil and criminal environmental defense firm, to join **Mark Katchen** on the technical/legal "coverup" team.

<http://smdp.com/officials-say-malibu-schools-safe-more-testing-to-come/130426>